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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL P. CAVARRETTA,

Petitioner,

3:12-cv-00494-RCJ-WGC

vs.

ORDER

WARDEN GREGORY SMITH, *et al.*,

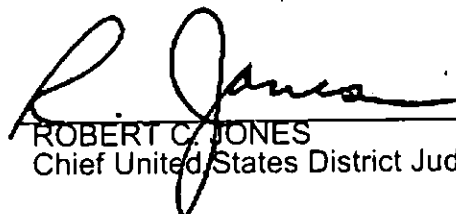
Respondents.

Following upon petitioner's response (#5) in this represented habeas matter to the order (#4) directing that petitioner show cause why the action should not be dismissed as duplicative of No. 2:09-cv-02228-GMN-VCF,

IT IS ORDERED that this action shall be DISMISSED without prejudice as duplicative of the first-filed action. Nothing in the Court's action herein constitutes an implicit holding as to timeliness, tolling, relation back, amendment of pleadings, substitution of counsel, or any other issue with respect to the first-filed action.

The Clerk of Court shall enter final judgment accordingly, dismissing this action without prejudice.

DATED: November 21, 2012


ROBERT C. JONES
Chief United States District Judge